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BY FACSIMILE

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Bob,
I'll trade depo
of custodian of records
for this 11 ??

Re: ARY Jewelers v. IBJTC, et al.

Dear Steve:

I am writing to revisit the issue of whether plaintiff is willing to drop David Molinario as a defendant. As you will recall, plaintiff previously expressed a willingness to consider doing so, but wanted to await the outcome of the deposition of Frank O'Connor. As I understand it, the reason for this was to see if Mr. O'Connor confirmed Mr. Molinario's testimony to the effect that Mr. Molinario was not the person who made the decision to contact Foothill after IBJ decided not to proceed with the ARY/Krigel loan.

As you know, Mr. O'Connor's testimony confirmed this aspect of Mr. Molinario's testimony. Accordingly, I hereby renew my request that plaintiff voluntarily dismiss Mr. Molinario as a defendant. Of course, by making this request, defendants in no way imply that there is any legal basis for plaintiff's claims against IBJ.

Best regards.

Sincerely yours,
Robert S. Fischler

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